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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/658,682

09/09/2003

David W. Plank

GMI0012/US

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7590

08/13/2010

KAGAN BINDER, PLLC  
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STILLWATER, MN 55082

EXAMINER

WONG, LESLIE A

ART UNIT

PAPER NUMBER

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MAIL DATE

DELIVERY MODE

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* DAVID W. PLANK  
and DANIEL J. LEWANDOWSKI

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Appeal 2009-013194  
Application 10/658,682  
Technology Center 1700

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Before STEVEN J. BARTLETT, *Support Division 2 Manager*.

ORDER REMANDING APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 13, 2009. A Docketing Notice was mailed on July 22, 2009. Upon review of the application, it has been determined that a remand to the Examiner is necessary to consider the following issue and to take necessary corrective action.

REPLY BRIEF NOT CONSIDERED

A Reply Brief was filed in this application on July 24, 2009. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR § 41.43(a)(1) and MPEP § 1208, part II.

CONCLUSION

Accordingly, it is ordered that the application is remanded to the Examiner:

- 1) to consider the Reply Brief filed July 24, 2009 as indicated above;
- 2) for further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

SB/cam

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